

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chart Riggall	Team: Squad #4	CCRB Case #: 201808163	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/22/2018 11:40 PM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 3/22/2020	EO SOL 11/6/2020	
Date/Time CV Reported Tue, 10/02/2018 3:22 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/02/2018 3:22 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Alexander Bobo	00812	947985	075 PCT
2. POM Matthew Salzman	18666	959190	075 PCT
3. POM Joshua Navarro	16066	957891	075 PCT
4. An officer			075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Plumitallo	16755	961108	075 PCT
2. POM Tyler Angelo	21443	959456	075 PCT
3. POM Anthony Iglesias	01381	960703	075 PCT
4. POF Marina Andrade	00278	959455	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Alexander Bobo	Abuse: Sergeant Alexander Bobo searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POM Matthew Salzman	Abuse: Police Officer Matthew Salzman searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C. An officer	Abuse: An officer searched § 87(2)(b)'s recording device.	§ 87(2)(b)
D. An officer	Abuse: An officer deleted information on § 87(2)(b)'s electronic device.	§ 87(2)(b)
E.POM Joshua Navarro	Abuse: Police Officer Joshua Navarro frisked an individual.	§ 87(2)(b)
F.POM Joshua Navarro	Abuse: Police Officer Joshua Navarro searched an individual.	§ 87(2)(b)

Case Summary

On October 2, 2018, § 87(2)(b) filed this complaint with the CCRB by phone.

On September 22, 2018, at approximately 11:45 PM, Sgt. Alexander Bobo, PO Joshua Navarro, PO Matthew Salzman, PO John Plunitallo, PO Anthony Iglesias, and PO Tyler Angelo, all of the 75th Precinct, conducted an operation targeted at underage drinking at a bar located at § 87(2)(b) in Brooklyn. Under Sgt. Bobo's direction, PO Salzman searched the premises (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). An officer allegedly searched and deleted information from § 87(2)(b)'s cell phone (**Allegation C and D: Abuse of Authority, § 87(2)(g)**). PO Navarro frisked (**Allegation E: Abuse of Authority, § 87(2)(g)**) and searched (**Allegation F: Abuse of Authority, § 87(2)(g)**) the bar's security guard. § 87(2)(b) was arrested during the incident for § 87(2)(b) (BR 01). Body-worn camera footage of the incident was obtained and is discussed below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Alexander Bobo searched § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Police Officer Matthew Salzman searched § 87(2)(b) in Brooklyn.

It is undisputed that at approximately 11:44 PM on September 22, 2018, Sgt. Bobo led an operation targeted at reports of underage drinking at a § 87(2)(b) a bar located at § 87(2)(b) in Brooklyn. Sgt. Bobo entered the bar in plainclothes § 87(2)(g), § 87(2)(e). Following this, Sgt. Bobo communicated the positive buy to his fellow officers, who moved in to the bar. PO Salzman searched the bar's kitchen, basement, and bathroom.

§ 87(2)(b) was uncooperative with the investigation (BR 02).

§ 87(2)(g), § 87(2)(e)

§ 87(2)(b). When he returned to the bar five minutes later, his officers were inside. He instructed an officer (he could not recall who) to search the bar for contraband, i.e., illegally stored alcohol. Sgt. Bobo said that officers are permitted to go "wherever a bartender can go," including "anywhere they can hide liquor." No contraband was recovered from the location.

PO Salzman (BR 04) acknowledged searching the kitchen and basement of the establishment and said he was directed to do so by Sgt. Bobo. He did not recall precisely where he looked in these areas, but said that he "moved some stuff around" and opened "a couple drawers." After viewing the body-worn camera footage embedded below, PO Salzman acknowledged lifting the lid of the toilet tank inside one of the bar's restrooms. He did this because he had been instructed to do so during previous inspections, of which he had done about ten.

PO Salzman's body-worn camera footage is embedded below.



Salzman 1.mp4



Salzman 2.mp4

The first video depicts him entering the bar's kitchen and basement, where he opens a freezer, a file cabinet, and a refrigerator. The second depicts him entering one of the restrooms and opening the lid of the toilet tank.

New York State Alcoholic Beverage Control Law § 106.15 states, "All retail licensed premises shall be subject to inspection by any peace officer, acting pursuant to his or her special duties, or police officer and by the duly authorized representatives of the liquor authority, during the hours when the said premises are open for the transaction of business" (BR 05).

§ 87(2)(g)

Allegation (C) Abuse of Authority: An officer searched § 87(2)(b)'s recording device.

Allegation (D) Abuse of Authority: An officer deleted information on § 87(2)(b)'s electronic device.

In her initial complaint, § 87(2)(b) alleged that before she was arrested, she was recording the officers. After being released from custody, she discovered that part of the recording had been deleted, though she did not know who did so. § 87(2)(g)

Body-worn camera footage from a camera worn by PO Plumitallo is embedded below.



Plumitallo.mp4

The footage depicts Sgt. Bobo saying, "Ninety-two." § 87(2)(b) is handcuffed and Sgt. Bobo takes her iPhone, which is on the bar propped against a beer bottle. He briefly holds it in his hand, after which the phone is out of sight.

§ 87(2)(g)

§ 87(2)(b) Sgt. Bobo said that he picked up the iPhone, pressed its lock button, and handed it to one of the officers escorting § 87(2)(b). He denied ever accessing or tampering with the phone's contents. He did not know what happened to the phone after handing it over.

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Joshua Navarro frisked an individual.

Allegation (F) Abuse of Authority: Police Officer Joshua Navarro searched an individual.

It is undisputed that, upon entering § 87(2)(b) PO Navarro approached the bar's security guard, asked him for his identification and security license, and frisked him. As § 87(2)(b) was uncooperative with the investigation, the identity of the guard could not be determined.

PO Navarro (BR 06) initially only recalled asking the security guard for his identification and security license. He verified that the guard's license was valid, returned it to him, and then engaged in "regular conversation" while the other officers dealt with the bar's patrons and staff. He initially did not recall frisking the security guard.

PO Navarro was shown his body-worn camera footage from the incident, which is embedded below. It depicts PO Navarro instructing the security guard to face away from him, and PO Navarro pats down the guard's lower body.



PO Navarro.mp4

After viewing this footage, PO Navarro acknowledged frisking the guard. He explained that he frisked the guard for his own safety, because in previous encounters with security guards during underage operations, or while "breaking up parties," he has frequently come across security guards who are unlicensed and carrying weapons. He could not estimate how many of these encounters he has had. When asked if there was anything about this particular guard that made PO Navarro suspect he was armed, PO Navarro reiterated the above concerning his prior experience with security guards in general, and noted that the guard was wearing a shirt that read, "SECURITY."

In a follow-up interview (BR 07), PO Navarro added to his testimony by saying that § 87(2)(b) was known to be associated with Trinitario gang activity. He learned this through studying crime pattern hot sheets for the 75th Precinct. He added that he observed a weighted bulge in an exterior cargo pocket of the security guard's pants. He suspected that the item might be a can of OC spray, as the bulge appeared to be about 4" long and 1.5" across. He had a "hunch" that the guard might be armed, as some security guards carry OC spray or batons. This added information, combined with the bar's alleged ties to gang activity, made him feel it was prudent to frisk the guard. He could not recall if he entered the guard's pockets and said that his body-worn camera footage was inconclusive on this point.

Sgt. Bobo instructed one of his officers (he could not recall who) to check the security guard's identification. He denied instructing any officer to frisk the guard.

An officer may frisk an individual when said officer possesses a reasonable suspicion that the individual has committed, is committing, or is about to commit a crime, and is armed and dangerous. The frisk must be based on specific inferences and drawn from particular facts, and should be based on more than an inarticulable hunch. People v. Watson, 96 A.D.2d 1066 (BR 08).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer Histories

- This is the fourth CCRB complaint to which § 87(2)(b) has been a party (BR 09).
 - § 87(2)(b)
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- Sergeant Alexander Bobo has been a member of service for 9 years, and has been a subject in 23 prior CCRB complaints with 53 allegations, 4 of which were substantiated.
§ 87(2)(g)
 - In 200915588, an allegation of a stop was substantiated.
 - In 201212122, allegations of a frisk and search of person were substantiated.
 - In 201212149, an allegation of a stop was substantiated.
- Police Officer Matthew Salzman has been a member of service for 3 years, and has been a subject in one prior CCRB complaint with one allegation, which was not substantiated.
§ 87(2)(g)
- Police Officer Joshua Navarro has been a member of service for 4 years, and has been a subject in two prior CCRB complaints with 4 allegations, none of which was substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- As § 87(2)(b) was uncooperative with the CCRB, this case could not be mediated.
- On January 22, 2019, a FOIL request with the New York City Comptroller's Officer returned negative results for any Notice of Claim related to this incident (BR 10).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date